

**BUSINESS REPORT**

**MONTANA SENATE  
62nd LEGISLATURE - REGULAR SESSION**

**SENATE FINANCE AND CLAIMS COMMITTEE**

**Date:** Friday, March 25, 2011  
**Place:** Capitol

**Time:** 9:00 A.M.  
**Room:** 317-A

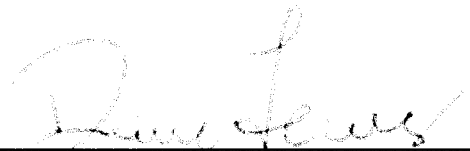
**BILLS and RESOLUTIONS HEARD:**

SB 424 - Implement transfer from Older Montanans trust fund to general fund

**EXECUTIVE ACTION TAKEN:**

SB 187; SB 424

**Comments:**

A handwritten signature in cursive script, appearing to read "Dave Lewis", is written over a horizontal line.

SEN. Dave Lewis, Chair

# MONTANA STATE SENATE

## ROLL CALL

### FINANCE AND CLAIMS COMMITTEE

DATE: March 25, 2011

NAME	PRESENT	ABSENT/ EXCUSED
Chairman Lewis	✓	
Vice Chair Ripley	✓	
Senator Barrett	✓	
Senator Brenden	✓	
Senator Brown	✓	
Senator Buttrey	✓	
Senator Caferro		✓
Senator Gallus	✓	
Senator Hamlett	✓	
Senator Hawks	✓	
Senator Jones	✓	
Senator Keane	✓	
Senator Olson	✓	✓
Senator Priest		✓
Senator Sonju		✓
Senator Walker		✓
Senator Wanzenried	✓	
Senator Williams	✓	
Senator Zinke		✓

19 Committee Members



## SENATE STANDING COMMITTEE REPORT

March 25, 2011

Page 1 of 1

Mr. President:

We, your committee on **Finance and Claims** recommend that **Senate Bill 424** (first reading copy -- white) **do pass**.

Signed: \_\_\_\_\_

*Dave Lewis*

*Senator Dave Lewis, Chair*

- END -

**Committee Vote:**

**Yes 19, No 0**

Fiscal Note Required ☐

SB0424001SC.sdr

OK



## SENATE STANDING COMMITTEE REPORT

March 25, 2011

Page 1 of 4

Mr. President:

We, your committee on **Finance and Claims** recommend that **Senate Bill 187** (second reading copy -- yellow) **do pass as amended.**

Signed: \_\_\_\_\_

*Dave Lewis*  
Senator Dave Lewis, Chair

**And, that such amendments read:**

1. Title, line 8.

**Following:** "46-8-113,"

**Insert:** "46-18-251,"

2. Title, line 9.

**Strike:** "IMMEDIATE"

3. Page 2, line 7.

**Following:** "culture"

**Insert:** "and at least one member must have a background in the diagnosis and treatment of mental illness"

4. Page 4, line 11 through line 22.

**Strike:** subsection (6) in its entirety

**Renumber:** subsequent subsections

5. Page 4, line 27 through line 30.

**Strike:** subsection (b) in its entirety

**Renumber:** subsequent subsection

6. Page 5, line 3.

**Following:** "of the"

**Insert:** "court"

7. Page 5, line 3 through line 4.

**Following:** "order" on line 3

**Committee Vote:**

**Yes 12, No 7**

Fiscal Note Required ☐

SB0187002SC.sdr

*DL*

**Strike:** remainder of line 3 through "defender" on line 4

8. Page 5, line 11.

**Following:** "compensate the"

**Strike:** "office of state public defender"

**Insert:** "state"

9. Page 5, line 19 through line 20.

**Following:** "counsel." on line 19

**Strike:** "The" on line 19 through "defender." on line 20

**Insert:** "All funds collected must be deposited in the state  
general fund."

10. Page 5, line 23.

**Strike:** "(10) (b)"

**Insert:** "(9) (b) "

11. Page 5, line 26 through line 28.

**Following:** "counsel." on line 26

**Strike:** remainder of line 26 through "defender." on line 28

**Insert:** "All funds collected must be deposited in the state  
general fund."

12. Page 6, line 4.

**Insert:** "Section 4. Section 46-18-251, MCA, is amended to read:

**"46-18-251. (Temporary) Allocation of fines, costs, restitution, and other charges.** (1) Except as provided in 46-18-236(7)(b), if a misdemeanor offender is subjected to any combination of fines, costs, restitution, charges, or other payments arising out of the same criminal proceeding, money that the court collects from the offender must be allocated as provided in this section. A felony offender shall pay restitution and costs of counsel imposed pursuant to 46-8-113 to the department of corrections, and other fines and costs must be paid to the court and allocated as provided in this section.

(2) Except as otherwise provided in 46-18-236(7)(b) and this section, if a defendant is subject to payment of restitution and any combination of fines, costs, charges under the provisions of 46-18-236, or other payments, 50% of all money collected from the defendant must be applied to payment of restitution and the balance must be applied to other payments in the following order:

(a) payment of charges imposed pursuant to 46-8-113;

~~(a)~~ (b) payment of charges imposed pursuant to 46-18-236;

~~(b)~~ (c) payment of supervisory fees imposed pursuant to  
46-23-1031;

~~(c)~~ (d) payment of costs imposed pursuant to 46-18-232 or  
46-18-233;

~~(d)~~ (e) payment of fines imposed pursuant to 46-18-231 or  
46-18-233; and

~~(e)~~ (f) any other payments ordered by the court.

(3) The money applied under subsection (2) to the payment of restitution must be paid in the following order:

(a) to the victim until the victim's unreimbursed pecuniary loss is satisfied;

(b) to the crime victims compensation and assistance program in the department of justice for deposit in the account provided for in 53-9-113 until the state is fully reimbursed for compensation to the victim provided pursuant to Title 53, chapter 9, part 1;

(c) to any other government agency that has compensated the victim for the victim's pecuniary loss; and

(d) to any insurance company that has compensated the victim for the victim's pecuniary loss.

(4) If any fines, costs, charges, or other payments remain unpaid after all of the restitution has been paid, any additional money collected must be applied to payment of those fines, costs, charges, or other payments. If any restitution remains unpaid after all of the fines, costs, charges, or other payments have been paid, any additional money collected must be applied toward payment of the restitution. (Terminates June 30, 2015--sec. 14, Ch. 374, L. 2009.)

**46-18-251. (Effective July 1, 2015) Allocation of fines, costs, restitution, and other charges.** (1) Except as provided in 46-18-236(7)(b), if an offender is subjected to any combination of fines, costs, restitution, charges, or other payments arising out of the same criminal proceeding, money collected from the offender must be allocated as provided in this section.

(2) Except as otherwise provided in 46-18-236(7)(b) and this section, if a defendant is subject to payment of restitution and any combination of fines, costs, charges under the provisions of 46-18-236, or other payments, 50% of all money collected from the defendant must be applied to payment of restitution and the balance must be applied to other payments in the following order:

(a) payment of charges imposed pursuant to 46-8-113;

~~(a)~~ (b) payment of charges imposed pursuant to 46-18-236;

~~(b)~~ (c) payment of supervisory fees imposed pursuant to 46-23-1031;

~~(c)~~ (d) payment of costs imposed pursuant to 46-18-232 or 46-18-233;

~~(d)~~ (e) payment of fines imposed pursuant to 46-18-231 or 46-18-233; and

~~(e)~~ (f) any other payments ordered by the court.

(3) The money applied under subsection (2) to the payment of restitution must be paid in the following order:

(a) to the victim until the victim's unreimbursed pecuniary loss is satisfied;

(b) to the crime victims compensation and assistance program in the department of justice for deposit in the state general fund until the state is fully reimbursed for compensation to the victim provided pursuant to Title 53, chapter 9, part 1;

(c) to any other government agency that has compensated the

victim for the victim's pecuniary loss; and

(d) to any insurance company that has compensated the victim for the victim's pecuniary loss.

(4) If any fines, costs, charges, or other payments remain unpaid after all of the restitution has been paid, any additional money collected must be applied to payment of those fines, costs, charges, or other payments. If any restitution remains unpaid after all of the fines, costs, charges, or other payments have been paid, any additional money collected must be applied toward payment of the restitution.""

**Renumber:** subsequent sections

13. Page 14, line 13.

**Strike:** "11"

**Insert:** "12"

14. Page 14, line 14.

**Strike:** "11"

**Insert:** "12"

15. Page 14, line 16.

**Following:** "effective"

**Strike:** "on passage and approval"

**Insert:** "July 1, 2011"

- END -

**AUTHORIZED  
SENATE COMMITTEE PROXY**

I, Senator Alan Olson, request to be excused from the

**Finance and Claims  
COMMITTEE**

due to my other commitment. I desire to leave my proxy vote with:

Vice Chair Rick Ripley

Indicate Bill number and your vote Aye or No. If there are amendments, list them by name and number under the bill and indicate a separate vote for each amendment.

BILL/AMENDMENT	AYE	NO	BILL/AMENDMENT	AYE	NO
SB 187	X				
18705. aVL	X				
SB 424	X				

Sen. Alan Olson  
(Signature)

Date 3-25-11



**AUTHORIZED  
SENATE COMMITTEE PROXY**

I, Senator Jason Priest, request to be excused from the

**Finance and Claims  
COMMITTEE**

due to my other commitment. I desire to leave my proxy vote with:

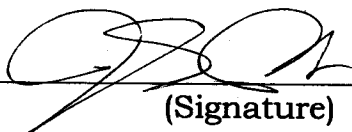
Vice Chair Rick Ripley

Indicate Bill number and your vote Aye or No. If there are amendments, list them by name and number under the bill and indicate a separate vote for each amendment.

BILL/AMENDMENT	AYE	NO
SB 187	X	
18705.avL	X	
SB 424	X	

BILL/AMENDMENT	AYE	NO

Sen. \_\_\_\_\_

  
(Signature)

Date \_\_\_\_\_

3-25-11

**AUTHORIZED  
SENATE COMMITTEE PROXY**

I, Senator Jon Sonju, request to be excused from the

**Finance and Claims  
COMMITTEE**

due to my other commitment. I desire to leave my proxy vote with:

**Vice Chair Rick Ripley**

Indicate Bill number and your vote Aye or No. If there are amendments, list them by name and number under the bill and indicate a separate vote for each amendment.

BILL/AMENDMENT	AYE	NO
SB 187	X	
18705. a.r.l	X	
SR 424	X	

BILL/AMENDMENT	AYE	NO

Sen. \_\_\_\_\_

(Signature)

Date 3-25-11

**AUTHORIZED  
SENATE COMMITTEE PROXY**

I, Senator Edward Walker, request to be excused from the

**Finance and Claims  
COMMITTEE**

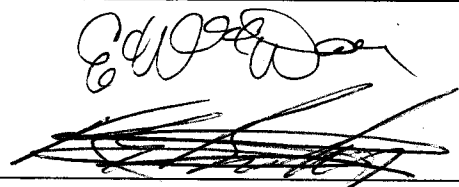
due to my other commitment. I desire to leave my proxy vote with:

Vice Chair Rick Ripley

Indicate Bill number and your vote Aye or No. If there are amendments, list them by name and number under the bill and indicate a separate vote for each amendment.

BILL/AMENDMENT	AYE	NO
SB 187	X	
18705, aVL	X	
SB 424	X	

BILL/AMENDMENT	AYE	NO

Sen.   
(Signature)

Date 3-25-11

**AUTHORIZED  
SENATE COMMITTEE PROXY**

I, Senator Ryan Zinke request to be excused from the  
**FINANCE AND CLAIMS COMMITTEE**

due to my other commitment. I desire to leave my proxy vote with:

Vice Chair Rick Ripley

Indicate Bill number and your vote Aye or No. If there are amendments, list them by name and number under the bill and indicate a separate vote for each amendment.

BILL/AMENDMENT	AYE	NO	BILL/AMENDMENT	AYE	NO
SB 187	X				
18705. aVL	X				
SB 424	X				

Sen.  \_\_\_\_\_  
(Signature)

Date 3-25-11

**AUTHORIZED  
SENATE COMMITTEE PROXY**

I, Senator Jim Keane, request to be excused from the  
**Finance and Claims  
COMMITTEE**

due to my other commitment. I desire to leave my proxy vote with:

                    App. Wanyam                    

Indicate Bill number and your vote Aye or No. If there are amendments, list them by name and number under the bill and indicate a separate vote for each amendment.

BILL/AMENDMENT

AYE NO

SB 018705.421		✓

BILL/AMENDMENT

AYE NO


Sen.

                    Jim Keane                      
(Signature)

Date

\_\_\_\_\_

**AUTHORIZED  
SENATE COMMITTEE PROXY**

I, Senator Rick Ripley, request to be excused from the

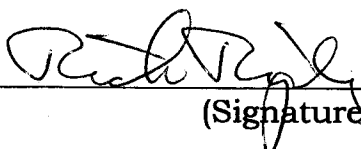
**Finance and Claims  
COMMITTEE**

due to my other commitment. I desire to leave my proxy vote with:

Lewis

Indicate Bill number and your vote Aye or No. If there are amendments, list them by name and number under the bill and indicate a separate vote for each amendment.

BILL/AMENDMENT	AYE	NO	BILL/AMENDMENT	AYE	NO
SB018705. aul	✓				

Sen.  Date \_\_\_\_\_  
(Signature)

**MONTANA STATE SENATE**  
**Roll Call Vote**  
**FINANCE AND CLAIMS COMMITTEE**

DATE 3-25-11 BILL NO. \_\_\_\_\_ MOTION NO. \_\_\_\_\_  
 MOTION: amend SB 187 ' SB 18705.901 12-7

<u>NAME</u>	AYE	NO	If Proxy Vote, check here & include signed Proxy Form with minutes
SENATOR DEBBY BARRETT	✓		
SENATOR JOHN BRENDEN	✓		
SENATOR TAYLOR BROWN	✓		
SENATOR EDWARD BUTTREY	✓		
SENATOR MARY CAFERRO	✓		
SENATOR STEVE GALLUS		✓	
SENATOR BRADLEY HAMLETT		✓	
SENATOR BOB HAWKS		✓	
SENATOR LLEW JONES	✓		
SENATOR JIM KEANE		✓	✓
SENATOR ALAN OLSON	✓		✓
SENATOR JASON PRIEST	✓		✓
SENATOR JON SONJU	✓		✓
SENATOR EDWARD WALKER	✓		✓
SENATOR DAVID WANZENRIED		✓	
SENATOR CAROL WILLIAMS		✓	
SENATOR RYAN ZINKE	✓		✓
SENATOR RICK RIPLEY, VICE-CHAIRMAN	✓		✓
SENATOR DAVE LEWIS, CHAIRMAN		✓	

**MONTANA STATE SENATE**  
**Roll Call Vote**  
**FINANCE AND CLAIMS COMMITTEE**

DATE 3-25-11 BILL NO. \_\_\_\_\_ MOTION NO. \_\_\_\_\_  
 MOTION: SB 187 as amended 12-7 pass

<u>NAME</u>	AYE	NO	If Proxy Vote, check here & include signed Proxy Form with minutes
SENATOR DEBBY BARRETT	✓		
SENATOR JOHN BRENDEN	✓		
SENATOR TAYLOR BROWN	✓		
SENATOR EDWARD BUTTREY	✓		
SENATOR MARY CAFERRO		✓	
SENATOR STEVE GALLUS		✓	
SENATOR BRADLEY HAMLETT		✓	
SENATOR BOB HAWKS		✓	
SENATOR LLEW JONES	✓		
SENATOR JIM KEANE		✓	
SENATOR ALAN OLSON	✓		✓
SENATOR JASON PRIEST	✓		✓
SENATOR JON SONJU	✓		✓
SENATOR EDWARD WALKER	✓		✓
SENATOR DAVID WANZENRIED		✓	
SENATOR CAROL WILLIAMS		✓	
SENATOR RYAN ZINKE	✓		✓
SENATOR RICK RIPLEY, VICE-CHAIRMAN	✓		
SENATOR DAVE LEWIS, CHAIRMAN	✓		



**MONTANA STATE SENATE**  
**Visitors Register**  
**SENATE FINANCE AND CLAIMS COMMITTEE**

**Friday, March 25, 2011**

**SB 424 - Implement transfer from Older Montanans trust fund to general fund**

**Sponsor: Senator Carol Williams**

**PLEASE PRINT**

[illegible]

**Please leave prepared testimony with Secretary. Witness Statement forms are available if you care to submit written testimony.**